Neo-Hegelian of this series, Berolzheimer. It is the social force that controls nature through science and art. Law is one of the phenomena of this culture and there must be a conscious effort to adjust the culture of the present to that of the past. The law "must adapt itself to a constantly advancing culture and be so fashioned that conformably to changing cultural demands it promotes rather than hampers and oppresses it." (Cf. p. 4). The general part on the philosophy of law as a phenomenon of culture is followed by a special part on the law of individual persons and the law of the body politic. One might wish that the author were not quite so belligerent in his criticism of opposing schools. From one in his position of acknowledged pre-eminence there might well be expected some mercy toward his more lowly opponents, but such is not the Teutonic professor who knows only the mailed fist as an instrument for combatting error. But it certainly is interesting reading and the volume is a worthy companion of its predecessors in the series. J. H. D.

JUSTICE AND THE MODERN LAW. By Everett V. Abbott of the Bar of the City of New York. Boston and New York: Houghton, Mifflin Company. The Riverside Press, Cambridge, 1913. pp. xiv, 299.

The author of this little book proposes "to exhibit the ultimate principles of justice as actually existent in the law." He rejects the Austinian theory of law because of its fundamental error of a sharp separation of law and ethics. He thinks that the sociological theory of jurisprudence is also faulty in that it merely substitutes the indefinite command of the community as a whole for the definite command of the sovereign. He says that "the law is only the promulgation of ethical principles as they are understood and applied by the community" but declines to discuss philosophy and rests on the "universal human perception that moral obligation does exist." This would not seem to carry us much further into the heart of the matter than does Carlyle's "sense of the oughtness" as the basis of justice, if it were not that he immediately announces three principles: "the egoistic right of freedom, the altruistic duty to help, and the voluntary reciprocating rights and duties of contract," as the basis of all human jurisprudence. The first chapter is devoted to the relation and interplay of these three principles. The next two chapters on the law as it is practiced and the law as it is administered are devoted to an acute and interesting discussion of the obstacles set up by courts and legislature, through which the progress of justice is impeded. These chapters, with their keen analysis and trenchant criticism of decisions of the courts are the best parts of the book. He shows that the lawyer of the common law with all his prejudice against generalizations is nevertheless much given to theorizing. 'Instead of boldly and frankly generalizing he thinks and argues in maxims, proverbs and scraps of gnomic wisdom which are only generalized statements of hasty views and are not the product of scholarly and scientific investigations." And he is only saved from the disasters consequent on his false reasoning by his practical skill in meeting facts.

In his last chapter the author urges that the courts throw overboard the doctrine of *stare decisis* and appeal all questions to the principle of sufficient reason, though what that principle may be is not too clearly enunciated. His point of view in general is that of the modernist who interprets the much abused doctrine of equality as an equality of opportunity to be guaranteed by an impartial tribunal, and who insists that the highest duty of the practicing lawyer is to apply himself vigorously to the discovery and exposition of the principles of right reason. The book is not a profound contribution to the philosophy of law but as an application of certain basic working formulae of justice to our present day legal problems may be said to justify itself.

J. H. D.

BOYCOTT AND THE LABOR STRUGGLE. By Harry W. Laidler. Introduction by Henry R. Seager, Ph.D., New York, John Lane Company; London. John Lane, 1914, pp. 488.

This work comes at an opportune time, when legislatures are being urged to legalize this weapon of the laboring classes by statute.

It is a well written and most careful study of the subject by a member of the New York Bar, and an economist, and is a valuable work from both the economic and legal standpoints.

The author first discusses the economic side. He traces the past forms known to students of history, and shows that while the practice is old, the term originated with Father John O'MALLEY in 1881. He then gives the kinds employed in modern business as: (1) Consumers; e. g. by the Consumer's League label; (2) Employer's, e. g. by the Blacklist; (3) Trade,—such as the Lumbermen's Associations; (4), Political,—as the boycott of James G. Blaine by the printers in 1884; (5) International, such as Chinese refusal to purchase American goods, or the Persians to handle British commodities.

The author defines "boycott" in its broadest sense, as "an organized effort to withdraw and induce others to withdraw from social or business relations with another" (p. 27), and gives special definitions for the employers (p. 36) and the laborers (p. 60) boycotts.

He discusses the latter under two heads: Negative, and Positive. The negative is to secure for "fair" firms the trade of labor,—as by the Union label. The positive is to prevent trading with the "unfair" firms,—as by the "unfair" or "we don't patronize list." These latter are: Primary—simple combination to suspend dealings, without inducing or coercing others; Secondary,—a combination to induce or persuade others to stop dealing with the supposed offender; Compound,—inducement through coercion and intimidation, either by threats of pecuniary injury, or of physical violence.

His conclusion is that the boycott can be successful only when used with great care and as a last resort. The American Federation of Labor has used it with great care. Success depends largely upon the vigor with which it is pushed at the outset, and there is small chance of success against a firm that has a monopoly.

Negative boycotts are legal, and 41 states have provided for registering a label.